



Board Agenda Item 17

DATE: November 2, 2021

TO: Board of Supervisors

SUBMITTED BY: Jean M. Rousseau, County Administrative Officer

SUBJECT: Redistricting of County Supervisorial Districts (set at 1:00 pm)

RECOMMENDED ACTION(S):

- 1.) **Conduct a public hearing to receive public input on the composition of one or more supervisorial districts.**
 - a. **Receive presentation on draft map recommendations from the Chair of the 2021 Advisory Redistricting Commission.**
 - b. **Receive presentation from National Demographics Corporation on community of interest submissions and analysis of draft maps recommended by the Advisory Redistricting Commission.**
 - c. **Hear public comment on communities of interest and the composition of one or more supervisorial districts, including draft maps recommended by the Advisory Redistricting Commission and public draft map proposals.**
 - d. **Select draft map(s) and/or consider alterations to draft maps recommended by the Advisory Redistricting Commission or any preferred alternative draft map(s) for further consideration at the November 16, 2021 public hearing; provide direction to staff and National Demographics Corporation to prepare and analyze any amended or preferred alternative draft maps.**

- 2.) **Set a process and schedule and provide direction to staff for adoption of final map by ordinance or resolution.**

Pursuant to the Fair Maps Act and Elections Code Sections 21507 and 21507.1, your Board must conduct a public hearing at which the public is invited to provide input regarding the composition of one or more supervisorial districts. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may desire to change and/or reject any draft map(s) recommended by the Advisory Redistricting Commission, explore alternative supervisorial district boundaries, and establish additional public hearing dates. Adoption of the final district boundary map must occur by December 15, 2021.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Sufficient appropriations to cover all costs related to the redistricting process are included in the FY 2021-22 Adopted Budget, Org 2540 - Miscellaneous and Interest Expense. The forecasted cost of the redistricting process is estimated to be approximately \$270,000.

DISCUSSION:

The U.S. Constitution requires that everyone residing in the United States be counted every decade. The resulting Census data is used for geographically defining State and local legislative districts. This process is called “redistricting.”

According to California Elections Code, following each decennial Federal census, your Board, using that census as a basis, shall adjust the boundaries of any or all the supervisorial districts of the County so that the districts shall be as nearly equal in population as feasible. Although the County went through a redistricting process back in 2011, the State has made significant statutory reforms to the redistricting process since that time through the Fair Maps Act (AB 849), signed into law in October 2019 and Local Redistricting (AB 1276), signed into law in 2020.

When redrawing district boundaries, your Board must comply with the requirements of the U.S. Constitution, California Constitution, the Federal Voting Rights Act of 1965, and the California Elections Code. These authorities require each district to have substantially equal population, generally prohibit using race as a predominate criteria for redrawing districts and prohibit diluting the voting rights of racial or language minority communities. Additionally, based on the updated Elections Code, the updated district boundaries must be redrawn using the following state legal criteria listed in order of priority:

- To the extent practicable, supervisorial districts shall be geographically contiguous.
- To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is defined in the Elections Code as “a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.”
- To the extent practicable, the geographic integrity of a city or census-designated place shall be respected in a manner that minimizes its division.
- Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the County.
- To the extent practicable and where it does not conflict with the preceding criteria, supervisorial districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

Further, districts must not be redrawn to favor or discriminate against any political party.

Using the 2020 State-adjusted Census data, National Demographics Corporation (NDC) analyzed the population for the five current supervisorial district boundaries, which is shown in Attachment A. The analysis of the current supervisorial districts indicates that for representational equality there is currently a maximum (high - low) deviation of 21.75% for the total population. By comparison, in the 2010 Census data, the maximum (high - low) deviation was 25.54% for the total population prior to redrawing the district boundaries, while in the 2000 Census data, the maximum (high - low) deviation was 16.3%. In 2011, when the Board last adjusted supervisorial district boundaries, the redistricting process resulted in a total deviation of 1.14%. In the 2001 redistricting process, the total deviation was 2.0%. A total deviation of less than 10% is presumptively constitutional.

Fresno County Advisory Redistricting Commission

On April 27, 2021, your Board authorized the creation of an 11-member Advisory Redistricting Commission (ARC) to develop redistricting plan recommendations for your Board's consideration. On May 25, 2021 your

Board appointed two commissioners from each existing supervisorial district and one commissioner selected by the County Administrative Officer via an application process. The ARC serves in an advisory capacity to your Board and has evaluated the existing boundaries of each supervisorial district, received and considered public input, and developed recommendations for boundary adjustments to account for population and demographic changes as provided in the 2020 Census data, in compliance with Federal and State law.

The Commission first convened on July 7, 2021 to discuss organizational matters and the redistricting process. The Commission then convened August 12, October 5, and October 21, 2021 to hold pre-draft map public hearings that included presentations by the County's demographic contractor, National Demographics Corporation (NDC). At these hearings NDC updated the Commission with public input obtained from the six public workshops and solicited additional public input on communities of interest and the composition of one or more supervisorial districts from the participants attending the hearings. Of these six public workshops, one was held in each supervisorial district (July 14, August 3, August 4, August 21, 2021), and one workshop was held remotely on Zoom on September 29, 2021. All hearings and workshops were streamed live on Zoom in English and Spanish, and the public was invited to participate remotely and in person at the October 5 and October 21, 2021 public hearings. Staff appreciates the generosity of the ARC commissioners' time and energy in participating in and promoting the County's redistricting process.

On October 21, 2021, the ARC selected (3) three draft maps to recommend to your Board (draft map #101, as amended, draft map #120 and draft map #121). In recommending draft map #101, the ARC noted that the amended map had not yet been analyzed by NDC. Attachment B contains all draft maps that have been submitted and evaluated by NDC through October 22, 2021, including the draft map recommendations by the ARC. A list summarizing the community of interest public submissions gathered at the County's public workshops, ARC public hearings, and in written public comments received at the time of this writing is contained in Attachment C. All written public comments provided to the ARC through October 20, 2021 at 5:00 pm and during the October 21, 2021 ARC public hearing are contained in Attachment D. Additionally, all of the ARC and County public workshop agendas, ARC minutes, and video recordings of ARC meetings and public hearings and County public workshops have been posted on the County's redistricting website.

Outreach

The County hired a marketing outreach firm, Tripepi Smith, to assist the County's Public Information Officer in the public outreach required in the redistricting process. Tripepi Smith attended all County workshops and presented the Public Outreach Plan to the Commission on August 12, 2021. The Public Outreach Plan, which has been continuously updated, outlines strategies to disseminate pertinent redistricting information and to engage the diverse and inclusive spectrum of the public to the widest extent possible, utilizing the web, email, social media, community workshops, and direct telephone calls. Since April 27, 2021, 96 social media posts have been published on Facebook, Instagram, Twitter and NextDoor. In total, there have been 71,232 total reaches and 7,156 total engagements through Facebook on this topic. On NextDoor, there was a total of 64,654 total reaches and 48 engagements. There have been 33,352 total reaches and 898 engagements through Twitter on this topic. In the last 90 days, there have been 12,256 reaches and 252 engagements through Instagram on this topic. Tripepi Smith has made 207 phone calls and sent 522 personal emails to community-based organizations. Tripepi Smith created flyers for six County workshops and six ARC and Board of Supervisor meetings and public hearings. All flyers have been published in English and Spanish. Beginning on August 12, additional languages (Punjabi and Hmong) were added to flyers announcing redistricting events. The County dedicated additional funds to outreach in September to purchase radio advertising on multi-lingual radio to further extend the public outreach. Utilizing Radio Bilingüe, LA Z, La Preciosa, KBIF (Hmong) and KBIF (Punjabi), 207 radio spots have aired advertising the opportunity to get involved in the redistricting effort. Outreach efforts have resulted in over 15 draft maps being submitted by the public, 118 public comments at ARC meetings, and several pages of potential Communities of Interest (COIs) feedback. Additionally, staff monitors and responds to the dedicated redistricting email box (fresnocounty2021redistricting@fresnocountyca.gov <<mailto:fresnocounty2021redistricting@fresnocountyca.gov>>), which is where the public may submit written

public comment, draft maps, questions, and complaints.

Website

The County established a website for the redistricting process:

<https://www.co.fresno.ca.us/resources/redistricting>. Pursuant to California Elections Code Section 21508(g), the County's redistricting website must be maintained for at least ten years after the adoption of new supervisorial district boundaries. The website requires frequent updates, which were accomplished with the assistance of the County's Internal Services Department (ISD-IT). Staff monitors written public comments submitted through the online form located on the County's redistricting website.

Process and Timeline for Redistricting

Pursuant to the Fair Maps Act, the County must conduct at least four public hearings at which the public is invited to provide input regarding the composition of one or more supervisorial districts before your Board adopts a final redistricting plan. At least one of the public hearings must be held prior to drawing a draft map or maps of the proposed supervisorial district boundaries, and at least two public hearings must be held after drawing a draft map or maps. The County has held three pre-draft public hearings (August 12, October 5, and October 21, 2021) conducted by the ARC. Today's public hearing will be the first of the two required public hearings conducted by your Board after draft maps have been created (post-draft map public hearings).

After receiving public input, your Board should select which draft map or maps to consider at the second public hearing conducted by your Board scheduled for November 16, 2021 at 1:00 p.m. Alternatively, your Board may make alterations to any of the draft maps recommended by the ARC or may consider alternative adjustments to the supervisorial district boundaries and provide direction to staff and NDC to prepare and analyze any amended or preferred alternative draft maps to be presented at the November 16, 2021 public hearing. The November 16, 2021 public hearing will provide the public with the opportunity to testify on the draft map or maps and any amended or preferred alternative selected by your Board today prior to the adoption of a final redistricting plan.

Due to the significant delay in receiving the adjusted 2020 Census data from the State, your Board has an extremely compressed timeframe to adopt a final redistricting plan. Under current state law, the Board must adopt boundaries no later than 174 days prior to the County's next regular election held after January 1, 2022. The County's next regular election after January 1, 2022 is the statewide direct primary election, which is presently scheduled for June 7, 2022. December 15, 2021 is 174 days prior to the June 7, 2022 primary election. Based on this, your Board will need to adopt an ordinance or resolution redrawing the supervisorial boundaries no later than December 15, 2021. The redistricting plan/map must be approved by your Board by 4/5th vote, as determined in the County Charter. If your Board fails to adopt the new boundaries by December 15, 2021, California law requires your Board to immediately file a petition with the Superior Court within five days for an order adopting supervisorial district boundaries.

Staff has scheduled December 14, 2021 as the date your Board will adopt a final redistricting plan by ordinance or resolution at your regularly scheduled meeting. If your Board anticipates requiring additional time to select a final map, your Board should provide direction to staff for adoption of a final map by resolution, which may be accomplished at a single meeting rather than at two hearings required by California law for adoption of an ordinance. However, if your Board selects a final map today or anticipates selecting a final map following public testimony at the November 16, 2021 public hearing, your Board should provide direction to staff for adoption of a final map by ordinance so the proposed ordinance can be prepared for your Board's consideration at the first hearing on November 16, 2021.

Based on the Board's adopted regular meeting schedule, the following schedule will timely accomplish the process to adjust supervisorial district boundaries by the December 15, 2021 deadline:

November 2, 2021: Hold required post-draft map public hearing #1 to receive input on the composition of one or more supervisorial districts. Conclude hearing with selection of draft map(s) and/or amended or preferred alternative map(s) and direct staff on process for adoption by ordinance or resolution.

November 16, 2021: Hold required post-draft map public hearing #2 to receive public input on the composition of one or more supervisorial districts. If needed, review and consider amended or preferred alternative map(s). Conclude hearing with selection of draft map for final adoption.

If adopting by ordinance: Hold required first hearing of proposed ordinance to amend the supervisorial district boundaries. The vote to amend the County ordinance must be by 4/5 vote. County staff must publish a summary of the proposed ordinance at least five days before the second reading.

December 14, 2021:

If adopting by ordinance: Hold required second hearing of proposed ordinance to amend the supervisorial district boundaries. The vote to amend the County ordinance must be by 4/5 vote. County staff must publish the ordinance within 15 days of its adoption.

If adopting by resolution: Adopt resolution to establish new supervisorial district boundaries. The vote to adopt the resolution must be by 4/5 vote.

It is anticipated that the public will continue to have interest in the adjustment of supervisorial district boundaries. Your Board may decide to schedule additional post-draft map public hearings including at a fixed time at your regularly scheduled hearing on December 14, 2021 to receive public testimony and/or to review and discuss any amended or preferred alternative draft maps prior to the December 15, 2021 deadline.

REFERENCE MATERIAL:

BAI #6, October 5, 2021
BAI #5, May 25, 2021
BAI #27, April 27, 2021
BAI #6, April 13, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Current Supervisorial District Analysis
Attachment B - Draft Maps
Attachment C - List of Community of Interest Public Submissions
Attachment D - Written Public Comments Provided to ARC

CAO ANALYST:

Yussel Zalapa